

109TH CONGRESS  
2D SESSION

# S. 2371

To permit the use of certain funds for recovery and mitigation activities  
in the upper basin of the Missouri River, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 6, 2006

Mr. THUNE (for himself and Mr. JOHNSON) introduced the following bill;  
which was read twice and referred to the Committee on Environment and  
Public Works

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## A BILL

To permit the use of certain funds for recovery and mitiga-  
tion activities in the upper basin of the Missouri River,  
and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. UPPER BASIN OF MISSOURI RIVER.**

4       (a) USE OF FUNDS.—Notwithstanding the Energy  
5       and Water Development Appropriations Act, 2006 (Public  
6       Law 109–103; 119 Stat. 2247), funds made available for  
7       recovery or mitigation activities in the lower basin of the  
8       Missouri River may be used for recovery or mitigation ac-  
9       tivities in the upper basin of the Missouri River, including

1 the States of Montana, Nebraska, North Dakota, and  
2 South Dakota.

3 (b) CONFORMING AMENDMENT.—The matter under  
4 the heading “MISSOURI RIVER MITIGATION, MISSOURI,  
5 KANSAS, IOWA, AND NEBRASKA” of section 601(a) of the  
6 Water Resources Development Act of 1986 (100 Stat.  
7 4143), as modified by section 334 of the Water Resources  
8 Development Act of 1999 (113 Stat. 306), is amended by  
9 adding at the end the following: “The Secretary may carry  
10 out any recovery or mitigation activities in the upper basin  
11 of the Missouri River, including the States of Montana,  
12 Nebraska, North Dakota, and South Dakota, using funds  
13 made available under this heading in accordance with the  
14 Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)  
15 and consistent with the project purposes of the Missouri  
16 River Mainstem System as authorized by section 10 of the  
17 Act of December 22, 1944 (commonly known as the ‘Flood  
18 Control Act of 1944’) (58 Stat. 897).”.

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